

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
G. Hopkins Guy, III (SBN 124811); I Neel Chatterjee (SBN 173985) Orrick, Herrington & Sutcliffe LLP 1000 Marsh Road, Menlo Park, CA 94025 TELEPHONE NO.: (650) 614-7400 FAX NO. (optional): (650) 614-7401 E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name) FACEBOOK, INC.		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: 191 N. First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME		
PLAINTIFF/PETITIONER: Facebook, Inc. DEFENDANT/RESPONDENT: ConnectU LLC, et al.		
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE <input type="checkbox"/> LIMITED CASE (Amount demanded exceeds \$25,000)		CASE NUMBER: 105 CV 047381
A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: June 1, 2006 Time: 9:00 a.m. Dept.: 2 Div.: Room:		
Address of court (if different from the address above):		

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
 - a. This statement is submitted by party (name): TheFacebook, Inc. (Plaintiff)
 - b. This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
 - a. The complaint was filed on (date): August 17, 2005
 - b. The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
 - a. All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not):
 - (2) have been served but have not appeared and have not been dismissed (specify names):
Cameron Winklevoss, Tyler Winklevoss, Howard Winklevoss, and Divya Narendra
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
See Attachment A
4. **Description of case**
 - a. Type of case in complaint cross-complaint (describe, including causes of action):
Business Tort and Unfair Practice

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4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Defendants gained unauthorized access to Facebook's web site, and took extensive amounts of proprietary data from Facebook, including e-mail addresses of Facebook's users and other protected data. This was done to obtain an unfair competitive advantage. Facebook was damaged by these actions and Defendants improperly benefited from the unauthorized access and misappropriation. Defendants also distributed e-mail messages to the misappropriated e-mail addresses to solicit membership in Defendants' web site.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request a jury trial a nonjury trial (if more than one party, provide the name of each party requesting a jury trial):

6. Trial date

- The trial has been set for (date):
- No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain): This case may not be ready for trial by August 17, 2006 because a demurrer and motion to quash are pending and to date Defendants have not answered.
- Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
No dates of unavailability known at this time.

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- days (specify number): 5
- hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

- Attorney:
- Firm:
- Address:
- Telephone number:
- Fax number:
- E-mail address:
- Party represented:

Additional representation is described in Attachment 6.

9. Preference

This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

- Counsel has has not provided the ADR information package identified in rule 201.9 to the client and has reviewed ADR options with the client.
- All parties have agreed to a form of ADR. ADR will be completed by (date):
- The case has gone to an ADR process (indicate status):

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10. d. The party or parties are willing to participate in (check all that apply):

- (1) Mediation
- (2) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 1612)
- (3) Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 1612)
- (4) Binding judicial arbitration
- (5) Binding private arbitration
- (6) Neutral case evaluation
- (7) Other (specify):

Private mediation is preferred.

e. This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.

f. Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

g. This case is exempt from judicial arbitration under rule 1601(b) of the California Rules of Court (specify exemption):
Rule 1601(b)(1): Plaintiff seeking equitable relief; and
Rule 1601(b)(8): Multiple causes of action and amount in controversy likely exceeds \$50,000

11. Settlement conference

The party or parties are willing to participate in an early settlement conference (specify when):
Anytime convenient for the parties.

12. Insurance

a. Insurance carrier, if any, for party filing this statement (name):

b. Reservation of rights: Yes No

c. Coverage issues will significantly affect resolution of this case (explain):

Not Applicable

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

Bankruptcy Other (specify): The individual Defendants are contesting personal jurisdiction.
Status: Motion to quash for alleged lack of personal jurisdiction is pending.

14. Related cases, consolidation, and coordination

a. There are companion, underlying, or related cases.

- (1) Name of case: Related case: ConnectU, LL v. Zuckerberg et al
- (2) Name of court: United States District Court for the District of Massachusetts
- (3) Case number: 1:04-CV-11923-DPW
- (4) Status: Discovery

Additional cases are described in Attachment 14a.

b. A motion to consolidate coordinate will be filed by (name party):

15. Bifurcation

The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

Plaintiff may file one or more summary judgement motion related to liability.

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17. Discovery

- a. The party or parties have completed all discovery.
 b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
	Written fact discovery	by July 15, 2006
	Depositions of individual Defendants	by August 15, 2006
	Opening expert reports	by Sept. 1, 2006
	Rebuttal expert reports	by Sept. 15, 2006
	Expert depositions	by October 1, 2006

- c. The following discovery issues are anticipated (*specify*):

Facebook anticipates filing at least two motions to compel regarding its first set of discovery requests.

18. Economic Litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
 b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other Issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

A hearing on the motion to quash and demurrer is scheduled for the same day as the case management conference.

20. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 212 of the California Rules of Court (*if not, explain*):
 The parties will attempt to meet and confer with Defendants prior to the case management conference.
 b. After meeting and conferring as required by rule 212 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): none attached as Attachment 21.

22. Total number of pages attached (*if any*): 1

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date:

Indra- Neel Chatterjee

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached

ATTACHMENT A TO PLAINTIFF'S CASE MANAGEMENT STATEMENT

Plaintiff may add Pacific Northwest Software, The i2hub Organization, Inc., and Winston Williams for either taking actions, or assisting Defendants in their actions, outlined in Section 4b. Plaintiff also may add Winklevoss Technologies, LLC, Winklevoss Consultants, Inc., The Winklevoss Group, and Winklevoss, LLC for support of Defendants' actions outlined in Section 4b, including financial support. Plaintiff may serve these potential parties by July 17, 2006.